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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,105	04/14/2006	Juan Carlos Molero	42-000200US	2298

22798 7590 12/24/2008

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EXAMINER	
LONG, SCOTT	

ART UNIT	PAPER NUMBER
1633	

MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,105	MOLERO ET AL.	
	Examiner	Art Unit	
	SCOTT LONG	1633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/7/2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-98,102 and 103* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-98,102 and 103* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-4, 8 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the ubiquitination of insulin receptor enhances feeding behavior in a subject.

Group II, claims 1-3, 5, 8, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the ubiquitination of insulin receptor reduces fat deposition in a subject.

Group III, claims 1-3, 6, 8, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the ubiquitination of insulin receptor enhances metabolic rate in a subject.

Group IV, claims 1-3, 7, 8, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the ubiquitination of insulin receptor enhances ratio of lean muscle mass to body fat in a subject.

Group V, claims 1-3, 9-10, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the ubiquitination of insulin receptor is measured by an antibody.

Group VI, claims 1-3, 11-12, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the ubiquitination of insulin receptor is measured by an immunoassay.

Group VII, claims 1 and 13, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring phosphorylation of a tyrosine residue on Cbl protein.

Group VIII, claims 1 and 14-16, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl

protein, wherein a reduced amount of Cbl indicates enhanced feeding behavior in a subject.

Group IX, claims 1, 14, 15, 17, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein, wherein a reduced amount of Cbl indicates reduced fat deposition in a subject.

Group X, claims 1, 14, 15, 18, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein, wherein a reduced amount of Cbl indicates enhanced metabolic rate in a subject.

Group X, claims 1, 14, 15, 19, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein, wherein a reduced amount of Cbl indicates enhanced ratio of lean muscle mass to body fat in a subject.

Group XI, claims 1, 14, 15, 20, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein, wherein the compound enhances or agonizes Cbl expression.

Group XII, claims 1, 14, 15, 21-22, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein, wherein Cbl is measured by an immunoassay requiring only a single antibody immunogenic to Cbl.

Group XII, claims 1, 14, 15, 23-25, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein, wherein Cbl is measured by an immunoassay requiring two antibodies immunogenic to Cbl.

Group XIII, claims 1, 14, 15, 26, 28 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein using an immunoassay, wherein Cbl is captured by an antibody bound at (e).

Group XIV, claims 1, 14, 15, 27, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising measuring the amount of Cbl protein using an immunoassay, wherein Cbl is captured by an antibody bound at (d).

Group XV, claims 1, 29-38, drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced

expression of Cbl, further comprising a method of measuring muscle thermogenesis.

Group XV, claims 1, 29, 39-48 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising a method of determining a metabolism-associated phenotype.

Group XVI, claims 1, 29, 39 and 49 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising a method of determining a metabolism-associated phenotype, wherein the animal is a non-human animal subject.

Group XVII, claims 1, 29, 39 and 50 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising a method of determining a metabolism-associated phenotype, wherein the animal expresses an endogenous native Cbl protein.

Group XVIII, claims 1, 29, 39 and 51 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising a method of determining a metabolism-associated phenotype, wherein the animal expresses an introduced human Cbl protein.

Group XVIII, claims 1, 29, 39 and 52-55 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising a method of determining a metabolism-associated phenotype, wherein the animal is a mammal.

Group XVIII, claims 1, 29, 39 and 56-57 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising a method of determining a metabolism-associated phenotype, wherein the animal is a mammal.

Group XIX, claims 1 and 58 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the non-human transgenic animal is a knockout or knockdown.

Group XX, claims 1 and 59 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising cell therapy (providing a cell), wherein the non-human transgenic animal comprises a functional Cbl gene.

Group XXI, claim 60 drawn to a method of identifying a compound that suppresses or reduces feeding behavior, comprising using a genetically modified non-human animal with reduced expression of Cbl, wherein the non-human transgenic animal is a knockout or knockdown.

Group XXII, claim 61 drawn to a method of identifying a compound that suppresses or reduces feeding behavior, comprising determining the ubiquitin ligase activity of a Cbl protein in the presence of the compound.

Group XXII, claim 62 drawn to a method of identifying a compound that suppresses or reduces feeding behavior, comprising measuring phosphorylation of a tyrosine residue on Cbl protein.

Group XXIII, claim 63 drawn to a method of identifying a compound that suppresses or reduces feeding behavior, comprising using a genetically modified non-human animal with reduced expression of Cbl, comprising administering an appetite or dietary suppressant.

Group XXIV, claim 64 drawn to a method of identifying a compound that suppresses or reduces feeding behavior, comprising measuring ubiquitin ligase activity of Cbl protein in the presence of the compound.

Group XXV, claim 65 drawn to a method of identifying a compound that enhances feeding behavior, comprising measuring the level of tyrosine phosphorylation in the presence and absence of the compound.

Group XXVI, claim 66 drawn to a method of identifying a compound that enhances feeding behavior, comprising administering a compound to a non-human animal expressing a functional Cbl protein and determining that to feeding behavior of a Cbl knockdown/knockout transgenic animal.

Group XXVII, claim 67 drawn to a method of identifying a compound that modulates feeding behavior, comprising determining the ubiquitin ligase activity of a Cbl protein.

Group XXVIII, claim 68 drawn to a method of identifying a compound that modulates feeding behavior, comprising determining the tyrosine phosphorylation of a Cbl protein.

Group XXIX, claim 69 drawn to a method of identifying a compound that enhances fat deposition, comprising determining the fat content of an animal.

Group XXX, claim 70 drawn to a method of identifying a compound that enhances fat deposition, comprising determining the ubiquitin ligase activity of a Cbl protein.

Group XXXI, claim 71 drawn to a method of identifying a compound that enhances fat deposition, comprising determining the level of tyrosine phosphorylation of a Cbl protein.

Group XXXII, claim 72 drawn to a method of identifying a compound that reduces fat deposition, comprising administering a compound to a non-human animal expressing a functional Cbl protein and determining that to the fat deposition of a Cbl knockdown/knockout transgenic animal.

Group XXXIII, claim 73 drawn to a method of identifying a compound that reduces fat deposition, comprising administering a compound to a non-human animal expressing a functional Cbl protein and comparing that to

the fat deposition of a Cbl knockdown/knockout transgenic animal, wherein the comparison occurs at steps (a) and (b).

Group XXXIV, claim 74 drawn to a method of identifying a compound that reduces fat deposition, comprising determining the ubiquitin ligase activity of a Cbl protein in the presence or absence of a compound.

Group XXXV, claim 75 drawn to a method of identifying a compound that reduces fat deposition, comprising determining the tyrosine phosphorylation of a Cbl protein in the presence or absence of a compound.

Group XXXVI, claim 76 drawn to a method of identifying a compound that enhances glucose uptake, comprising determining glucose uptake in a transgenic animal.

Group XXXVII, claim 77 drawn to a method of identifying a compound that enhances glucose uptake, comprising determining ubiquitin ligase activity of a Cbl protein in the presence or absence of a compound.

Group XXXVIII, claim 78 drawn to a method of identifying a compound that enhances glucose uptake, comprising determining level of tyrosine phosphorylation of a Cbl protein in the presence or absence of a compound.

Group XXXIX, claim 79 drawn to a method of identifying a compound that reduces glucose uptake, comprising determining level of glucose uptake in a transgenic animal comprising knockout or knockdown of Cbl expression.

Group XL, claim 80 drawn to a method of identifying a compound that reduces glucose uptake, comprising determining level of glucose uptake in both a transgenic animal comprising knockout or knockdown of Cbl expression and an animal having functional Cbl expression.

Group XLI, claim 81 drawn to a method of identifying a compound that reduces fat deposition, comprising determining the ubiquitin ligase activity of a Cbl protein.

Group XLII, claim 82 drawn to a method of identifying a compound that reduces fat deposition, comprising determining the level of tyrosine phosphorylation of a Cbl protein.

Group XLIII, claims 1 and 83-85 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, wherein the compound is a protein. *If this group is chosen, a single species must be elected from among those sequences listed in claim 85.*

Group XLIV, claims 1, 86, and 102-103 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, wherein the compound is a siRNA or shRNA. *If this group is chosen, a single species must be elected from among those sequences listed in claim 86.*

Group XLV, claims 1 and 87 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, wherein the compound is a small organic molecule.

Group XLVI, claims 1 and 88 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, wherein the compound is an antibody.

Group XLVII, claims 1 and 89 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, wherein the compound is further formulated for a human.

Group XLVIII, claims 1 and 90 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising manufacturing the compound.

Group XLIX, claims 1 and 91-94 drawn to a method of identifying a compound comprising using a genetically modified non-human animal with reduced expression of Cbl, further comprising determining and providing the structure of the compound.

Group L, claims 1 and 95-98 drawn to a method of manufacturing a compound comprising bioinformatical methods and a method of screening described in claim 1.

Claim(s) 1 link(s) Groups I-L. Claim(s) 15 link(s) Groups VIII-XIV.

Claim(s) 1 link(s) Groups II-III. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s), Claim(s) 1. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 Claims that require all the limitations of an allowable linking claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim(s) including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Groups I-L are different methods. Methods of Groups I-L differ with respect to reagents, method steps, and endpoints. Each of the methods contains differences from the other that make them distinct and non-overlapping: the various groups contain in

vitro methods, in vivo methods, administration of cells, various biochemical assays, physiological and/or anatomical measurements (body fat and muscle measurements), use of various reagents (antibodies, small molecules, nucleic acids, proteins). The searches of these methods require distinct queries and would not overlap. Therefore the examiner would experience undue burden and restriction is required.

Some Inventions are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). For example, claim 90 (Group XLVIII) requires the use of claim 1. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a method of manufacturing does not require a screening method for manufacturing; the compound could be purchased. The subcombination (Claim 1) has separate utility such as a method of screening.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such

claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

The inventions listed as Groups I-L do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The inventions are drawn to multiple methods and multiple products, therefore as per 37 CFR § 1.475(a)-(d), applications containing claims drawn to more than one categories of invention (as defined by section (b)) are not considered to have unity of invention (see particularly section (c)). See the following:

37 CFR § 1.475 Unity of invention before the International Searching Authority, the International Preliminary Examining Authority and during the national stage.

(a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product; or
(2) A product and process of use of said product; or
(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
(4) A process and an apparatus or means specifically designed for carrying out the said process; or
(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

(c) If an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) of this section, unity of invention

might not be present.

(d) If multiple products, processes of manufacture or uses are claimed, the first invention of the category first mentioned in the claims of the application and the first recited invention of each of the other categories related thereto will be considered as the main invention in the claims, see PCT Article 17(3)(a) and § 1.476(c).

In addition to the reasons cited above, the following reference teaches the technical features of claim 71, enhanced tyrosine phosphorylation of Cbl protein in the presence of a compound.

RIBON ET AL: "A Novel, Multifunctional c-Cbl Binding Protein in Insulin Receptor Signaling in 3T3-L1 Adipocytes." Molecular and Cellular Biology, Feb. 1998; pages 872-879.

RIBON ET AL, teach "[t]he protein product of the c-Cbl proto-oncogene is prominently tyrosine phosphorylated in response to insulin in 3T3-L1 adipocytes" (abstract). RIBON ET AL. also teach "[U]pon insulin binding, the insulin receptor undergoes autophosphorylation on tyrosine residues, resulting in increased kinase activity that leads to tyrosine phosphorylation of intracellular substrates." (page 872, col.1, 1st parag.). These teachings are encompassed by claim 71.

Therefore there is no special technical feature, as required for co-examination and restriction is required because there is no unity of invention or inventive step. A single group must be elected.

Species Selection

This application contains claims directed to the following patentably distinct species provided in claims 85-88. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The generic claim is claim 1. The applicant is allowed examination of a single species. It could be a single siRNA listed in claim 86 or a single amino acid listed in claim 85 or a single organic molecule or a single antibody. However, it cannot be one of each of these.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a

claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Notice of Possible Rejoinder

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder**. Further, note that the prohibition against double

patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Response Requirement

Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Multiple Inventors

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Examiner Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Long** whose telephone number is **571-272-9048**. The examiner can normally be reached on Monday - Friday, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph Woitach**, can be reached on **571-272-0739**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Scott Long/
Patent Examiner, Art Unit 1633